

6



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

PP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/997,489 12/23/97 DENNIS C 51410-P003US

┌

TM02/0509

┐

EXAMINER

DAVID H TANNENBAUM
FULBRIGHT & JAWORSKI
2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75201

MORSE, G

ART UNIT	PAPER NUMBER
----------	--------------

2167

10

DATE MAILED:

05/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TP

Office Action Summary

Application No.

08/997,489

Applicant(s)

Dennis

Examiner

Greg Morse

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(h).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 5, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66, 71, 72, 75, 76, 78, 79, 83, 86, 91, 92, 94, 95, 97-100, and is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66, 71, 72, 75, 76, 78, 79, 83, 86, 91, 92, 94, 95, 97-100, and 106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7 20) ☐ Other:

Art Unit: 3652

DETAILED ACTION

1. The amendment of 2/5/2001 has been received and entered. Claims 66, 71-72, 75-76, 78-79, 83, 86, 91-92, 94-95, 97-100, 106-131 are pending.
2. Applicant's declaration has been noted; it has overcome the Vazvan reference applied in paragraph

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 66, 71-72, 75-76, 78-79, 83, 86, 91-92, 94-95, 97-100, 106, 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demers et al., U.S. patent 5,952,638. Demers shows a wireless device 40 which locates a sale location, identifies a transaction amount and transmits those transactions for customer verification. See Figs. 3-7. However, Demers shows only a single customer. The use of the Internet to deal with multiple parties simultaneously is notoriously well known. This scalability is one of the advantages of the Internet. The use of the system of Demers et al. to handle multiple customers simultaneously would have been obvious to one of ordinary skill in the art in order to have a commercially viable system.

Art Unit: 3652

With respect to Claim 71, the customer has identified the seller before the transmission on Col. 6 line 20.

5. Claims 106-124 rejected under 35 U.S.C. 103(a) as being unpatentable over Demers et al., above, as applied to claim 66 above, and further in view of Vazvan, WO 96/01531. Note that this is a different reference than the Vazvan reference previously applied.

Demers et al. does not show location determination by mobile computer. The '531 Vazvan reference teaches that the use of a mobile computer to provide location information which helps to control a wireless transaction is desirable. The use of position information to reduce the number of options available to the user of the Demers et al. Device would have been obvious to one of ordinary skill in the art in order to simplify the transaction as taught by Vazvan.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

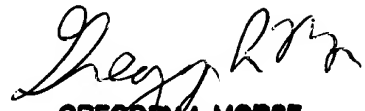
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3652

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Morse whose telephone number is (703) 308-4789.

MORSE/gam
May 7, 2001


GREGORY A. MORSE
PRIMARY EXAMINER